

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

STATE OF TEXAS,  
STATE OF MONTANA,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; MELANIE FONTES RAINER, in her official capacity as Director of the Office for Civil Rights; CENTERS FOR MEDICARE & MEDICAID SERVICES; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants.

Case No. 6:24-cv-211-JDK

**[PROPOSED] ORDER**

Before the Court is Defendants' Motion to Reconsider the Court's Grant of Plaintiffs' Motion for Stay of Agency Action. Having considered the Motion, Plaintiffs' response, the applicable law, and other relevant authorities, Defendants' Motion is **GRANTED**.

Pursuant to Federal Rule of Civil Procedure 54(b), the Court's July 3, 2024 Memorandum Opinion and Order ("Order"), ECF No. 18, is revised as follows:

For the reasons explained in the Court's Order, the Court **GRANTS IN PART** Plaintiffs' motion seeking a stay of the Final Rule's effective date, ECF No. 2.

The Court hereby **ORDERS** that the effective date of 45 C.F.R. §§ 92.206(b)(4), 92.207(b)(4)-(5) of the May 6, 2024 Final Rule, Nondiscrimination in Health Programs and Activities, 89 Fed. Reg. 37,522, are **STAYED** as to Texas and Montana and all covered entities in those States until further order of the Court.